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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Practice limited to  
Federal Agencies

September 26, 2003

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

OCT 02 2003

TECH CENTER 1600/2900

Re: U.S. Utility Patent Application  
Appl. No. 09/227,742; Filed: January 8, 1999  
For: **Method for Increasing Viability and Transformation Efficiency of  
Bacteria During Storage at Low Temperatures**  
Inventors: Bloom *et al.*  
Our Ref: 0942.4770003/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1);
3. Reply Under 37 C.F.R. § 1.111 along with Exhibit A;
4. Letter to PTO Draftsman: Submission of Formal Drawings;
5. 32 sheets of formal drawings: (Figs. 1, 2, 3, 4A, 4B, 5, 6A, 6B, 7, 8, 9, 10, 11, 12, 13A, 13B, 13C, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28);
6. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent;
7. A Certificate under 37 C.F.R. § 3.73(b) from Assignee with a copy of the Assignment and Certificate of Merger attached;

Commissioner for Patents  
September 26, 2003  
Page 2

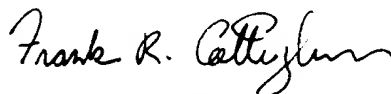
8. PTO-2038 Credit Card Payment Form in the amount of **\$220.00** to cover the following:  
\$110.00 - Extension of Time fee;  
\$110.00 - Terminal Disclaimer fee; and
9. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham  
Attorney for Applicants  
Registration No. 50,437

FRC/pcd  
Enclosures

EODMA MHODMA SKGF\_DCI:181618:1

**FEE TRANSMITTAL**  
**for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

**Complete if Known**

Application Number **09/227,742**  
 Filing Date **January 8, 1999**  
 First Named Inventor **Bloom et al.**  
 Examiner Name **Leffers, G.**  
 Art Unit **1636**  
 Attorney Docket No. **0942.4770003/RWT/PS**

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT (\$220.00)****METHOD OF PAYMENT (check all that apply)**☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None

\*\* Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

☐ Deposit Account  
Deposit Account Number 19-0036

Deposit Account Name: Sterne, Kessler, Goldstein &amp; Fox P.L.L.C.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any over payments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1502	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	110.00
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Terminal Disclaimer **110.00**\* Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$220.00)****FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1105	160	2005	80	Provisional filing fee	

**SUBTOTAL (1) (\$)****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Extra	Fee from below	Fee Paid
Total Claims _____ - 20** = _____ X _____ = _____		
Indep. Claims _____ - 3** = _____ X _____ = _____		
Multiple Dependent _____ = _____		

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)**

\*\*or number previously paid, if greater; For Reissue, see above

**SUBMITTED BY**

Name (Print/Type)

Frank R. Cottingham

Registration No.  
(Attorney/Agent)

50,437

Complete (if applicable)

Telephone

202-371-2600

Signature

*Frank R. Cottingham*

Date

SEPT. 26, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2. SKGF Rev. 08/26/03 svbSKGF\_DC1:181677.1



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JC540 U.S. PTO

09/227742



01/08/99

In re Application of

F.R. Bloom, et al

Serial No.

To Be Accorded

Filed

Herewith

Atty Dkt 04227.0031 US03

For Method For Increasing Viability And Transformation Efficiency Of Bacteria  
During Storage At Low Temperatures

When stamp of the OIPE of the U.S. Patent & Trademark Office is affixed, the U.S. PTO acknowledges receipt of the following on the date indicated:

1. Letter Transmittal (in duplicate)
2. PTO/SB/05 Transmittal
3. Specification containing: 61 pages of description, 5 pages of claims, one page abstract and 31 sheets of drawings;
4. A copy of the originally filed Declaration and Power of Attorney;
5. A copy of Power of Assignee w/Certification
6. Two Return Postcards
7. Statement Regarding Sequence Listing

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JAN 20 1999

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HOWREY & SIMON

JAN 18 1999

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In re Application of

F. R. Bloom et al

Serial No.

To Be Accorded

Filed

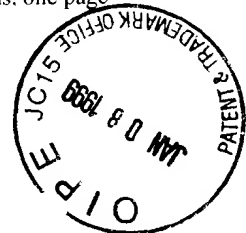
Herewith

Atty Dkt 04227.0031 US03

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6. Two Return Postcards
7. Statement Regarding Sequence Listing





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TECH CENTER 1600/2900

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bloom *et al.*

Appl. No. 09/227,742

Filed: January 8, 1999

For: **Method for Increasing Viability  
and Transformation Efficiency of  
Bacteria During Storage at Low  
Temperatures**

Confirmation No. 7763

Art Unit: 1636

Examiner: Leffers, G.

Atty. Docket: 0942.4770003/RWE/FRC

### Letter to PTO Draftsman: Submission of Formal Drawings

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith are thirty-two (32) sheets of formal drawings with Figures 1, 2, 3, 4A, 4B, 5, 6A, 6B, 7, 8, 9, 10, 11, 12, 13A, 13B, 13C, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28, corresponding to the informal drawings submitted with the above-captioned application. Identification of the drawings is provided in accordance with 37 C.F.R. § 1.84(c). Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

It is not believed that an extension of time is required, other than any already provided herewith. However, if an extension of time is needed to prevent abandonment of the application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Frank R. Cottingham  
Attorney for Applicants  
Registration No. 50,437

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